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NEWS RELEASE

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Immediate Probation For Footspa Violators Aims to Protect Consumers

Board of Barbering and Cosmetology Begins Enforcing New, Stricter Health and Safety Rules

SACRAMENTO – The Department of Consumer Affairs' Board of Barbering and Cosmetology (BBC) has begun to immediately place on probation the licenses of shops that fail to observe certain health and safety rules for foot spas.

At least 10 shops in various California cities have been cited and more are likely to be, as BBC inspectors, armed with a powerful new enforcement tool, AB 409, look for especially egregious violations that put Californians at risk.

"California's consumers have a right to clean, safe service when they sit down for a pedicure, and the Department applauds the Board's commitment to doing everything in its power to ensure that's what they get," said Carrie Lopez, Director of the Department of Consumer Affairs (DCA).

AB 409, introduced by Assemblyman Leland Yee as part of a package of consumer safety enhancements developed by DCA's Working Group on Foot Spa Safety, allows the Board's executive officer, or his or her designee, to immediately suspend a shop's license without first holding a hearing. That suspension is immediately stayed and the licensee placed on probation. The provisions of AB 409 may be invoked if:

- The shop's pedicure foot spas, basins, or tubs are not visibly clean, or if debris is found upon the removal of screens;

- more -

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- If the cleaning material for the proper disinfection and sanitation of manicuring and/or pedicure equipment is inadequate;
- No pedicure cleaning logs;
- There is a history of repeated health and safety violations pertaining to manicuring or pedicuring equipment; or
- Manicure and/or pedicure implements that are not visibly clean.

Shop owners on probation must then follow a host of terms and conditions, including submitting monthly reports to the Board signed under penalty of perjury, and undergoing Board-approved remedial health and safety training. There are also hefty fines, and shop owners are subject to quarterly follow-up visits, at their own expense, by BBC inspectors.

"Salons that are failing to use the proper cleaning procedures, despite being provided the rules and regulations by the state, are not innocent businesses, but are irresponsibly risking the health of consumers and an entire industry," said Senator Yee. "AB 409 not only makes sure those businesses pay a price for putting the public at risk, but that they receive the necessary remedial health and safety training."

Shop owners may ask the Board for a hearing to review the suspension, but only within 30 days *after* the suspension goes into effect.

"Shopowners must take their customers' health and safety seriously," said Kristy Underwood, Executive Officer of the BBC. "Everyone who has a Barbering and Cosmetology license in California is responsible for knowing the rules. There's really no excuse for not following them."

Recently, the Board sent out a postcard to all of the state's approximately 40,000 shops reminding them of the new penalties in English, Spanish, Tagalog, Vietnamese and Chinese. The regulations are also posted on the Board's Web site at www.barbercosmo.ca.gov.

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